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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,428	12/12/2003	Eric Peeters	D/A3600	3873

7590 03/08/2006

Patent Documentation Center
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Xerox Square 20th Floor
100 Clinton Ave. S.
Rochester, NY 14644

EXAMINER

NGUYEN, TAN QUANG

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/734,428

Applicant(s)

PEETERS, ERIC

Examiner

TAN Q. NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-19 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-19 and 23-28 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAIL ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on January 09, 2006. As per requested, claims 1, 2, 14-16, 18, 18 and 23 have been amended. Claims 3 and 20-22 have been canceled. Thus claims 1, 2 4-19 and 23-28 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1, 2, 4-6 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagda et al. (6,862,524) in view of Endo et al. (2006/0007022).

5. As per claims 1 and 4, Nagda et al. disclose the invention as claimed which includes a user interface for receiving updated route speed information, an input device for receiving a destination point from a driver (see at least figures 1, 4, 6, 12 and the related text), a GPS locator for identifying the position of the vehicle (see figure 2, column 4, lines 34-53), a computational system to select a fastest route from the position of the vehicle to the destination point using the updated route speed information (see at least the abstract and figure 12), and an output device for communicating the fastest route to the driver (see figure 12 and the related text).

6. Nagda et al. do not disclose a speed sensing electronics for determining the speed of the receiver and a transmitter to transmit such information. However, such speed information from the speed sensor is transmitted for the navigation system is taught in at least figure 2 and the related text of the Endo et al. reference. It would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the teaching of Endo into the system of Nagda et al. in order to reducing the step of calculate vehicle speed in the Nagda et al. system and use the transmitted actual speed from the speed sensor in the vehicle. Furthermore, such using of the transmitted speed signal has the advantage when the GPS signals are not available, i.e. are blocked by the building or any obstacles.

7. As per claims 2, Nagda et al. further disclose a transmitter for transmitting data that includes the speed and the location of the vehicle to a central processing point (see figures 2, 4 and the related text).

8. As per claims 5 and 6, Nagda et al. disclose the communication between the vehicle and the remote central is a wireless telephone or a wireless internet (see column 1, lines 49-65, column 5, lines 25-30).

9. As per claim 8, Nagda et al. also disclose the communication between the receiving unit and the transmitter (see at least figure 2 and column 5, lines 57-67).

10. As per claim 9, Nagda et al. further disclose that the vehicle receives the traffic information via the wireless internet when it passes through each coverage area (see at least figure 1 and column 14, lines 37-47).

11. As per claims 10 and 11, Nagda et al. disclose a storage device for storing the traffic information and the GPS data and times (see at least figures 4, 5, and the related text).

12. As per claim 12, Nagda et al. also disclose that the traffic information includes road closures and accidents (see at least column 9, lines 44-48, column 10, lines 37-42, and column 11, lines 32-40).

13. As per claim 13, Nagda et al. further disclose the output device is a display screen in a vehicle (see figure 8).

14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagda et al. as applied to the claims above, and further in view of Robinson et al (6,577,949).

15. Nagda et al. and Endo et al. disclose the claimed invention as discussed above except for the communication between the vehicles. However, Robinson et al. suggest a method and system for exchanging routing data between end users as shown in at least the abstract. It would have been obvious to one ordinary skill in the art to

incorporate the teaching of Robinson et al. into the system of Nagda et al. in order to allow the exchange information between vehicles which would reducing the accessing fee directly from the traffic control or reducing the repeated calculation at the traffic center if the two vehicles are in the same road at the same time.

Remarks

16. Claims 1, 2 and 4-13 are rejected. Claims 14-19 and 23-28 are allowable in light of the amendment and the arguments.

17. Applicant's arguments filed on January 09, 2006 have been fully considered but they are partially deemed to be persuasive.

18. Upon the amended claim 1 which added new issue, the new ground of rejection has been set forth as above.

19. The arguments regarding to the amended claims 14-19 and 23-28 which found to be persuasive. Thus, the previous rejections have been withdrawn and these claims are allowable.

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Q. Nguyen, whose telephone number is (571) 272-6966. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (571) 272-6956.

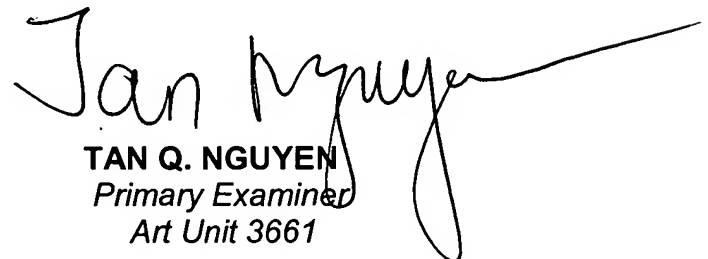
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to the Official Fax Center: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tqn
March 6, 2006


TAN Q. NGUYEN
Primary Examiner
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